

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 06-CR-56

v.

KENYOUNTA HARVESTER,

Defendant.

ORDER REFERRING MOTION TO REOPEN DETENTION HEARING

On November 6, 2006, the defendant Kenyounta Harvester filed a second motion to reopen the order of detention that was previously entered in this case. An order of detention was initially entered by the undersigned on March 23, 2006, following a detention hearing conducted on that date.

On July 14, 2006, the defendant filed his first motion to reopen and review the order of detention, and this court conducted a hearing on July 20, 2006. At that hearing, the defendant proffered separate properties to be posted by Andrea Chavis and Marcella Chavis. In addition, the defendant suggested a number of non-monetary conditions of release. The government, while recognizing that the proffer of property represented a substantial sum, opposed the motion and sought continuation of the order of detention. Among its objections, was the allegation that Andrea Chavis had been named in the original complaint against the defendant.

After full consideration, this court set bond in the amount of \$120,000, to be secured by the properties proffered. A number of non-monetary conditions were also imposed, including home confinement and electronic monitoring. The government promptly moved for a stay of the order of

release, which was granted by Judge Charles N. Clevert. Then, by order issued on August 4, 2006, Judge Clevert granted the government's motion for review, reversed the order of release and ordered that the defendant remain in custody. In his order, Judge Clevert indicated his concern over the nature of the property proffered in that it was not owned by the defendant or his family, but by a friend or business associate.

In the defendant's second motion to review the order of detention, he again proffers the identical real property. In addition, he states that two persons, Andrea Chavis and George Williams, are willing to post \$15,000 in cash. The defendant now believes that the situation is different than it was several months ago.

In view of the fact that the present order of detention has been imposed by Judge Clevert, this court believes that he is the proper judge to entertain the defendant's motion for review. Therefore, the court will refer the defendant's motion to Judge Clevert for consideration.

SO ORDERED.

Dated at Milwaukee, Wisconsin, this 6th day of November, 2006.

s/AARON E. GOODSTEIN
U.S. MAGISTRATE JUDGE